

Exhibit "B"

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Crash, Inc.,	§	
	§	Misc. Action No. _____
<i>Plaintiff,</i>	§	
	§	
vs.	§	(Relates to U.S.D.C. Western District of
	§	Oklahoma Case No. 5:19-cv-00796-C)
	§	
New Prime, Inc. d/b/a Prime, Inc.	§	
	§	
<i>Defendant.</i>	§	

AFFIDAVIT OF LORENZO KIRK PARKS

STATE OF	Texas	§
		§
COUNTY OF	Dallas	§

On this the 6TH day of July, 2020, before me the undersigned Notary Public, personally appeared Lorenzo Kirk Parks, an individual known to me, who upon his oath deposed and stated the following:

1. "My name is Lorenzo Kirk Parks. I am over the age of eighteen and am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I reside in Alvarado, Texas.
3. I work at Crash, Inc., located in Dallas, Texas, 75235.
4. I have worked at Crash, Inc. for approximately 15 years.

5. I am personally familiar with the procedures, labor, and expenses associated with Crash, Inc.'s business, with storing vehicles at Crash, Inc., and with preparing them for inspection.

6. I am providing this affidavit in support of Crash, Inc.'s motion to quash and motion for protective order regarding New Prime, Inc.'s subpoena commanding Crash, Inc. to permit entry to its premises and to permit inspection of a 2017 Buick Encore on July 23, 2020.

7. I have read New Prime's subpoena. The subpoena commands that, on July 23, 2020, at 11:00 a.m., Crash, Inc. must permit New Prime to enter Crash, Inc.'s business premises in Dallas, Texas, and permit New Prime to inspect the Buick Encore.

8. The subpoena was issued by New Prime's attorney for the lawsuit, *Lecinda Zimmerman v. New Prime, Inc.*, Civil Case No. 5:19-CV-00796-C, in the United States District Court of Oklahoma for the Western District of Oklahoma (the "Oklahoma lawsuit").

9. Crash, Inc. is not a party to the Oklahoma lawsuit.

10. Crash Inc. is the current owner of the 2017 Buick Encore, which is being stored at Crash, Inc.'s premises in Dallas, Texas.

11. Crash, Inc.'s business is essentially providing non-disturbed, safe storage for vehicles, maintaining chain of custody, and providing the necessary resources to customers for vehicle inspections.

12. Crash, Inc.'s customers are typically employees (and attorneys) and experts who represent some of the largest corporations in the world in litigation, as well as plaintiffs (and their experts and attorneys) who have been severely injured in automobile and other types of accidents. Vehicles have come to Crash, Inc. from as far away as Maine on the east coast and Washington on the west coast, and at least 30 other states in the United States.

13. These experts and employees come not only from the United States, but also from as far away as Korea, Japan, Germany, and India. There have been over a thousand inspections of vehicles at Crash, Inc., including by companies such as Toyota, General Motors, Ford, Chrysler, Mercedes, Honda, Kia, Hyundai, Nissan, Mazda, Mitsubishi, Volkswagen, Adient, Honeywell, Utility Trailer, and many, many others. Attorneys representing these large corporations, and experts working for these attorneys/corporations, have repeatedly told me and others on numerous occasions that Crash, Inc. is the finest vehicle storage and inspection facility in the country and that they enjoy coming to Crash, Inc. more than any other facility—and it is not even close.

14. This is because, in part, Crash, Inc. operates a state-of-the-art facility with over 100,000 square feet of space that consists of 3 storage units, 6 inspection bays, restrooms, conference rooms, and break rooms. Each of the 6 inspection bays have air conditioning/heating and outfitted with the same equipment and tools including, but not limited to, tool boxes on wheels (with every imaginable tool needed), rolling floor lights, floor jacks, and vehicle lifts. I have been to multiple other storage

facilities around the country, and very few of them have air conditioning and heating of the inspection bays.

15. All of these inspections from experts, employees, and/or attorneys going back decades were paid. None were free. Plaintiffs and their attorneys/experts pay the same fee as defendants and their attorneys/experts.

16. Crash, Inc.'s customary, set rates for vehicle inspection is \$920.00 minimum (\$200.00 per vehicle in each bay plus \$180.00 per hour for technician time (a four hour minimum for technician time)). After 5 p.m., the technician time is \$500.00 per hour. To hold an inspection time, a deposit must be paid at least 10 days before the inspection time. Crash also provides vehicle storage at set rates.

17. Crash's inspection fee is necessary for Crash, Inc. to pay the bills and stay in business, and the fee includes, but is not limited to, Crash's technician's use of heavy machinery such as two very large forklifts to retrieve the vehicles from the storage unit and transporting it to an inspection bay. Many times these vehicles are stored high off the ground on racks, so obviously forklifts are needed. Also, many times the distance required to transport the vehicles with a forklift is over 100 yards.

18. During the inspection, Crash's technician is available to provide technical or physical help to customers conducting the inspections.

19. In addition, Crash's employees clean, sanitize, and prepare the inspection bay, restrooms, kitchen, and conference room areas prior to and after each scheduled inspection. Crash provides drinks, snacks, and catered lunch to

inspection customers. Crash also maintains premises and liability insurance. Crash also provides security, as the facility is located in a high-crime area. Indeed, I personally have had thousands of dollars of property stolen from my truck on the premises and routinely have had to deal with issues of criminal activity around the premises.

20. Crash, Inc.'s fees, services, and protocol were provided to New Prime when it requested an inspection time. A true and correct copy of Crash's invoice and email communications that I exchanged with New Prime's attorney is attached hereto as **Attachment “1” (invoice), Attachment “2” (email), and Attachment “3” (email)**. I do not believe New Prime ever responded to me and told me that they would not pay the invoice.

21. I do not work for free. Crash, Inc. does not work for free. Our time, labor, and services are valuable and we should be compensated for same.

22. New Prime can contact Crash, Inc. to schedule a date and time to inspect the Buick Encore by contacting Crash, Inc. during normal business hours and providing the required deposit at least 10 days before the inspection time.”

"FURTHER AFFIANT SAYETH NAUGHT."



Lorenzo Kirk Parks

SWORN TO AND SUBSCRIBED to before me, the undersigned authority, by
the said Lorenzo Kirk Parks on the 6th day of July, 2020.



Sara J. Trevino
Notary Public, State of Texas

Exhibit "1"

CRASH Inc.

4701 Bengal Street, Dallas, TX 75235

5/20/2020

Invoice #4678

Ryan Ensley
Rodolf and Todd
15 E 5th Street, Floor 6
Tulsa, OK 74103

RE: Zimmerman Case
Services Rendered: Vehicle Inspection on: 6/16/2020
Inspected By:
Amount Due: \$920

Please make check payable to: **Crash, Inc**, tax id #75-2831687 for the inspection done at our Crash, Inc. facility. Payments should be mailed to the address on the above letterhead.

Inspections are now \$920.00 minimum. \$200.00 per vehicle in each bay plus 180.00 per hour for technician time. There is a 4 hour minimum for technician time. After 5pm, the technician time is 500.00 per hour. If an inspection is not over by 5PM, and carries over to the next day a new inspection bay fee and minimum technician charge is due.

To hold an inspection date, we must be paid in advance.

If the inspection cancels for any reason, we will only reimburse 50% of the fee if we have turned away other inspections.

If you have any questions regarding this invoice, please feel free to contact our office at 214/324-9000.

Very truly yours,

L. Kirk Parks

Exhibit "2"

From: L. Kirk Parks <kirkparks@gmail.com>
Sent: Tuesday, June 09, 2020 12:19 PM
To: Ryan Ensley
Subject: Re: Zimmerman Buick Inspection

You have been rescheduled....

On Tue, Jun 9, 2020 at 12:02 PM Ryan Ensley <Ryan@rodolftodd.com> wrote:

Kirk,

We would like to reschedule the inspection for July 23. Our expert will plan on flying in that morning and anticipates the ability to be at your location by 11:00 am. Is that acceptable?

Thanks,

Ryan

From: L. Kirk Parks <kirkparks@gmail.com>
Sent: Wednesday, May 20, 2020 11:13 AM
To: Ryan Ensley <Ryan@rodolftodd.com>
Subject: Re: Zimmerman Buick Inspection

Ryan,

You are set to go.....

Covid Stuff

Protocol is basic.

We have individual restrooms for inspectors, we will not approach you without wearing a mask.

Lunch will still be provided but it will be good if you stay in the inspection area for it.

I will not require you all to wear masks unless you need to interact with our employees outside the inspection areas.

In the case of multiple inspections, each inspection room will be doors down and partitioned from each other.

On Wed, May 20, 2020 at 10:52 AM Ryan Ensley <Ryan@rodolftodd.com> wrote:

Mr. Parks,

As we just discussed, I'd like to request an inspection of the Buick on June 16, 2020. Please let us know if this is acceptable. Please tell us what times you can accommodate. I think our expert would prefer a morning inspection.

Thanks,

Ryan Ensley

Rodolf & Todd

15 E. 5th Street, Floor 6

Tulsa, OK 74103

(918) 295-2100 phone

(918) 295-7800 fax

ryan@rodolftodd.com

L. Kirk Parks

817-688-9600 cel.

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L. Kirk Parks

817-688-9600 cel.

Exhibit "3"

From: L. Kirk Parks <kirkparks@gmail.com>
Sent: Tuesday, June 09, 2020 2:57 PM
To: Ryan Ensley; Andy Counts; Todd Tracy
Subject: Zimmerman Inspection

Ryan,

Please forward the invoice payment at least ten days before your inspection date.

Thanks

--
L. Kirk Parks
817-688-9600 cel.